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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

THE ECLIPSE GROUP, LLP,
Plaintiff,
v.
ECLIPSE IP LLC,
Defendant.

) Case No. 3:13-cv-1902-JAH-BGS
)
) **ECLIPSE IP LLC'S NOTICE OF
MOTION AND MOTION FOR
SANCTIONS**
)
) Date: August 18, 2014
) Time: 2:30 p.m.
) Courtroom: 13B
) Judge: Hon. John A. Houston
)

1 **TO ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that on August 18, 2014 at 2:30 p.m. or as soon
 3 thereafter as counsel may be heard before the Honorable John A. Houston in
 4 Courtroom 13B of the United States District Court for the Southern District of
 5 California, located at 333 West Broadway, San Diego, California, Defendant Eclipse
 6 IP LLC (“Eclipse IP”) will move and hereby does move as follows:

7 **MOTION**

8 Eclipse IP hereby moves this Court, pursuant to Rule 11 of the Federal Rules
 9 of Civil Procedure, 28 U.S.C. § 1927, and the Court’s inherent power for an Order
 10 sanctioning Plaintiff The Eclipse Group, LLP (“The Eclipse Group”).

11 This Motion is made on the grounds that The Eclipse Group recklessly and in
 12 bad faith filed a frivolous motion for a preliminary injunction (“the PI Motion”) and
 13 caused Defendant Eclipse IP to expend substantial sums defending against what
 14 amounts to nothing more than a litany of frivolous claims. This Motion will be
 15 based upon this Notice of Motion and Motion, the accompanying Memorandum of
 16 Points and Authorities, the supporting declaration of Matt Olavi, the exhibits
 17 submitted therewith, the records and files herein, and such other further
 18 documentary, demonstrative, and oral evidence as may be requested or permitted by
 19 the Court.

20 Pursuant to the safe harbor provision of Rule 11 of the Federal Rules of Civil
 21 Procedure, this Notice of Motion and Motion, the accompanying Memorandum of
 22 Points and Authorities, and the supporting declaration of Matt Olavi and its exhibits
 23 were previously served on counsel for The Eclipse Group on Friday, May 23, 2014
 24 both via electronic mail and by mailing it to The Eclipse Group’s last known
 25 address. The Eclipse Group refused to withdraw its PI Motion. The accompanying
 26 Memorandum of Points and Authorities has been slightly modified in light of the

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¹ Court’s June 3, 2014 Order, (D.E. 19), but the substance and analysis remains the same.¹

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4 | Dated: June 30, 2014

Respectfully submitted,

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OLAVI DUNNE LLP

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By: /s/ Matt Olavi

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Matt Olavi
Attorneys for Defendant
ECLIPSE IP LLC

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²⁷ An exact copy of Memorandum of Points and Authorities served on The Eclipse Group on May 23, 2014 is attached as Exhibit 4 to the Olavi Declaration.

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